

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

PERRY PATTERSON, §
§
Plaintiff, § CIVIL ACTION NO. 5:19-CV-00055-RWS-JBB
v. §
§
CANDICE OAKES, *ET AL.*, §
§
Defendants. §
§

ORDER

Plaintiff Perry Patterson, proceeding *pro se*, filed the above-captioned civil action complaining of alleged violations of his constitutional rights. Docket Nos. 1, 11, 25. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff has filed two motions seeking an emergency injunction. Docket Nos. 111, 112. Plaintiff also filed a supplement to his motions, which re-urges his requested relief. Docket No. 114. The Magistrate Judge issued a Report recommending that the motions be denied. Docket No. 115. A copy of this Report was sent to Plaintiff and Defendants on March 6, 2023, but no objections have been received. When a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Co. of Canada*, 931 F.3d 412, 420–21 and n.9 (5th Cir. 2019).

Because no objections have been received, the parties are barred from *de novo* review by the District Court of the Magistrate Judge’s proposed findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. See *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") Accordingly, it is

ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 115) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motions for emergency injunctive relief (Docket No. 111 and Docket No. 112) are **DENIED**.

So ORDERED and SIGNED this 6th day of September, 2023.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE